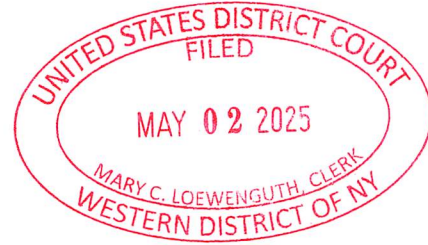


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



VICTOR JOHNSON,

Plaintiff,

v.

18-CV-1152 (JLS) (HKS)

WILLIAM PERSINGER, New York
State Police Officer; JOHN
DIPASQUALE; DEAN SCIRRI;
TROOPER ROBERT MILES; AND
TROOPER JAMES L. MOSCATO,

Defendants.

DECISION AND ORDER

Pro se Plaintiff Victor Johnson brings claims pursuant 42 U.S.C. §§ 1983 and 1985, alleging that Defendants violated his Constitutional rights during the course of certain state criminal proceedings. *See* Dkt. 85.¹ The case has been referred to United States Magistrate Judge H. Kenneth Schroeder, Jr. for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 24.

Before the Court are motions to dismiss filed by Defendants Persinger and Dipasquale (Dkt. 89); as well as by Defendants Scirri and Moscato (Dkt. 110). Plaintiff opposed the [110] motion. Dkt. 112. Scirri and Moscato replied. Dkt. 113.

On April 8, 2025, Judge Schroeder issued a Report, Recommendation, and Order ("R&R"), recommending that this Court grant the [89] and [110] motions to dismiss. Dkt. 114. As a result, "Plaintiff's remaining claims [would be]: 1) the false

¹ The Second Amended Complaint (Dkt. 85) is the operative complaint.

arrest and false imprisonment claims against Inv. Persinger and Inv. Dipasquale related to the First Intimidation Charge; and 2) the illegal seizure of property claim against Inv. Dipasquale related to the First Intimidation Charge.” *Id.* at 21. And “[t]hose claims are against Inv. Persinger and Inv. Dipasquale in their individual capacities.” *Id.* Neither party filed objections, and the time to do so has expired.

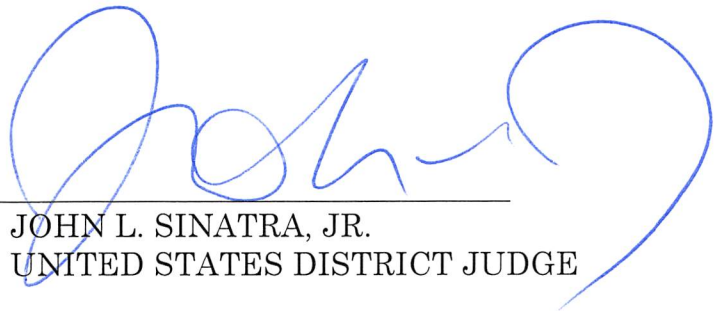
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court has carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts Judge Schroeder's recommendation.

For the reasons above and in the R&R, the [89] and [110] motions to dismiss are GRANTED. The case is referred back to Judge Schroeder in accordance with the February 18, 2020 referral order. *See* Dkt. 24.

SO ORDERED.

Dated: May 2, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE